

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 582 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
2 to 5 No

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DESHRAJ ARORA, MANAGING DIRECTOR OMEGA PACKAGING PVT.

Versus

CENTRAL BUREAU OF INVESTIGATION  
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Appearance:

MR JB PARDIWALA for Petitioner  
Respondent No. 1 served  
Mr. AJ Desai, APP for Respondent No. 2  
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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 03/02/98

ORAL JUDGEMENT

1. Rule. Mr.A.J. Desai, learned APP waives service of rule on behalf of Respondent No.2. Respondent No. 1 though served no appearance has been filed till 3.15 p.m. today.

2. Being aggrieved and dissatisfied by the order

passed by the learned Special Judge, Court No. IV, Ahmedabad, dated 17th October, 1997, in the matter of Criminal Misc. Application No. 2412 of 1997, the petitioner has filed the present Revision Application and has contended that respondents No.1 and 2 have given no objection in returning the muddamal computer to the petitioner and had requested the court to pass the order as deemed fit. The learned Special Judge has passed the order and had directed respondent No.1 to return the article shown in Para-3 of the Application and marked at Annexure-A on condition of furnishing surety for the sum of Rs. 50,000/-, depositing Rs. 25,000 in cash in the office of the court and to produce the said muddamal before the court or CBI whenever called.

3. Shri J.B. Pardiwala, learned counsel appearing for the petitioner has submitted before the court that the petitioner is aggrieved by condition stated in Para-4(B)(ii) in respect of depositing Rs. 25,000/- in cash in the office of this court as the muddamal computer is the old article owned by the petitioner and no specific allegation in respect to the said muddamal has been filed before the court or served upon the petitioner. That in the absence of any reasonable cause, the petitioner would be put to hardship as a business man by depositing Rs. 25,000/- in cash without interest in the office of the court for certain period. Under the circumstances, on behalf of the petitioner, Shri Pardiwala submitted that this court should modify the said order by deleting the said condition.

4. Shri J.P. Desai, learned APP has no objection if such condition is deleted. Respondent No.1 CBI though served has failed to appear before the court on the returnable date and thereby no objection against the prayer made in the petition have been filed on behalf of respondent No.2. In the facts and circumstances of the case, as apparent from the record, it would not be unjust or improper if the order is modified as requested on behalf of the petitioner because petitioner has agreed to produce the said muddamal as and when called by the court or CBI and has also agreed to furnish surety for the sum of Rs. 50,000/-. Hence, the following operative order is passed:

"The order passed by the learned Special Judge dated 17th October, 1997 in the matter of Criminal Misc. Application No. 2412 of 1997 is modified to the extent of deleting the condition stated vide para 4(B)(ii) of the Order. Rest of the order shall remain as it is. "

5. In the result, this Criminal Revision Application stands disposed of. Rule is made absolute to the aforesaid extent only.

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p.n. nair